IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION No. 3608 /2004

PETITIONER : Citrasen Sahu S/o Shoukilal Sahu Aged About 45 years, Helper, P.H.E. Department, Block Raigarh, R/o. South Chakradhar Nagar, Near Poultry Farm, Raigarh (C.G.)

VERSUS

RESPONDENTS

1. Executive Engineer, Public Health Engineering Department, Bilaspur (C.G.).
2. Assistant Engineer Public Health Department, Block Raigarh (C.G.).
3. State of Chhattisgarh Through : Secretary, Public Health, Engineering Department, Raipur (C.G.).

P.R. No. 3610/04
Presented by Shri A. Madhwani
dated 29-9-04

WRIT PETITION UNDER ARTICLE 226/2277 OF THE CONSTITUTION OF INDIA FOR ISSUE OF AN APPROPRIATE WRIT IN NATURE OF MANDUMUS/ CERTIORARY ETC OR DIRECTION/ ORDER IN THE LIKE NATURE ETC.

(4)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3608 of 2004

Petitioner — Citrasen Sahu

Versus

Respondents — Executive Engineer & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Neelkanth Malviya, Advocate for the petitioner.
Miss Deepali Pandey, Panel Lawyer for the respondents.

ORDER

(Passed on this 26th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Helper in the Public Health and Enginering Department at Raigarh was transferred to Bilaspur by releasing his attachment, on the same terms and conditions vide impugned transfer order dated 28.8.2004 (Annexure P/1).
2. This Court vide interim order dated 21.10.2004 granted stay of the impugned order, till the next date of hearing. By virtue of the interim order the petitioner must have continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur